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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
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Declaration on the basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation

Revised working paper submitted by the Russian Federation

The General Assembly,

Recalling its resolution 51/241 of 31 July 1997 on strengthening of the United Nations system and its resolution 51/242 of 15 September 1997 entitled "Supplement to an Agenda for Peace" in which it adopted documents contained in the annexes to that resolution on coordination and on the question of sanctions imposed by the United Nations,

Recalling also the United Nations Millennium Declaration, of 8 September 2000, in which the resolve was expressed to minimize the adverse effects of United Nations economic sanctions on innocent populations, to subject such sanctions regimes to regular reviews and to eliminate the adverse effects of sanctions on third parties,

Convinced that the adoption of the Declaration on the basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation will contribute towards strengthening the role of the United Nations and enhancing its effectiveness in maintaining international peace and security,

Considering the need to ensure a wide dissemination of the text of the Declaration,

1. *Approves* the Declaration on the basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation, the text of which is annexed to the present resolution;

2. *Expresses its appreciation* to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration;

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3. *Requests* the Secretary-General to inform the Governments of the States Members of the United Nations or members of specialized agencies, and the Security Council, of the adoption of the Declaration;

4. *Urges* that every effort be made to ensure that the Declaration becomes generally known and is fully implemented.

Annex

Declaration on the basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation

The General Assembly,

Recalling that the peoples of the United Nations are determined to practice tolerance and live together in peace with one another as good neighbours,

Bearing in mind the right of all States to use peaceful means of their own choice for the prevention and removal of disputes or situations,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, the Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Calling upon States to cooperate fully with the relevant organs of the United Nations and to support action undertaken by them in accordance with the Charter to maintain or restore international peace and security,

Bearing in mind the obligation of States to conduct their relations with other States in accordance with the principles of international law, including the purposes and principles of the United Nations,

Noting the growing demands of the international community to consider ways of reducing the adverse destructive effects of sanctions both for target States and for third States, while ensuring their effectiveness,

Convinced that special attention should be paid to the "humanitarian limits" of sanctions, so as to alleviate the sufferings of the most vulnerable groups of the civilian population, above all children, women and the elderly,

Considering that sanctions should not lead to destabilization of the economy either in the target State or in third States,

Considering also that the determination of the criteria and conditions for the introduction of sanctions in accordance with the Charter of the United Nations and the principles of international law and justice would help eliminate or minimize their negative effects,

Stressing that sanctions are an extreme measure, which should be adopted only when other peaceful means have been exhausted and only when the Security Council determines the existence of a threat to the peace, breach of the peace or act of aggression,

Recalling that the Charter confers on the Security Council primary responsibility for the maintenance of international peace and security and that States have agreed, in accordance with the Charter, to accept and carry out its decisions,

Also recalling the important role of the General Assembly, the Economic and Social Council and the Secretary-General in the maintenance of international peace and security, conferred on them by the Charter,

I. *Solemnly proclaims*:

1. The application of sanctions is an extreme measure and is permitted only after all peaceful means of settling the dispute or conflict and of maintaining or restoring international peace and security, including the provisional measures provided for in Article 40 of the Charter of the United Nations, have been exhausted and only when the Security Council has determined the existence of a threat to peace, a breach of the peace or an act of aggression.

2. Sanctions must be introduced in strict conformity with the provisions of the Charter of the United Nations and the rules of international law and justice, pursue clear and precise objectives, have a time frame, be subject to regular review, taking into account the views of the target State, where appropriate, and provide for clearly stipulated conditions for lifting them, and the lifting of them must not be linked to the situation in neighbouring and other third countries.

3. Under the system of collective security established by the Charter of the United Nations, sanctions are an important instrument for the prevention of conflicts and the maintenance of international peace and security and must not be used by one or more States for the purpose of subjugating another State in the exercise of its sovereign rights and obtaining from it any advantages of any kind, unless authorized by the Security Council.

4. Before the introduction of sanctions, the target State or party must, as a rule, be given unambiguous notice.

5. The use of sanctions for the purpose of overthrowing or changing the lawful regime or existing political order in the target country is not permissible.

6. The purpose of sanctions is to modify the behaviour of the target party that is threatening international peace and security, not to punish or otherwise exact retribution. Sanctions regimes must be commensurate with these objectives.

7. The creation of a situation in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third States is

not permissible. The Secretariat must make an objective assessment of the consequences of sanctions for the target State and for third States prior to their introduction in respect of the target State.

8. The imposition on a target State of additional conditions for cessation or suspension of sanctions is not permissible except as a result of newly discovered circumstances and except where explicitly provided for in Security Council decisions.

9. Objective assessment of the short-term and long-term socio-economic and humanitarian consequences of sanctions is necessary both at the stage of their preparation and in the course of their implementation.

10. The Secretariat must provide the Security Council and the sanctions committees, at their request, with an assessment of the humanitarian and economic impact of sanctions.

11. Sanctions regimes must ensure that appropriate conditions are created for allowing an adequate supply of humanitarian goods to reach the civilian population. Foodstuffs, medicines and medical supplies should be exempted from United Nations sanctions regimes. Basic or standard medical and agricultural equipment and basic or standard educational items should also be exempted; a list should be drawn up for that purpose. Other essential humanitarian goods should be considered for exemption by the relevant United Nations bodies, including the sanctions committees. In this regard, efforts should be made to allow target countries to have access to appropriate resources and procedures for financing humanitarian imports.

12. Following the introduction of sanctions, the Secretariat should be requested to provide assistance in monitoring their effects for third countries which have suffered or may suffer as a result of their implementation, so that the Security Council and its sanctions committees may receive timely information and early estimates in this respect and, while maintaining the effectiveness of the sanctions regime, may make the necessary corrections or partial changes to its implementation or to the regime itself in order to mitigate the negative impact of the sanctions on third countries.

13. When the Security Council considers issues relating to sanctions, account must be taken of humanitarian considerations, which are equally pressing in time of peace and in time of armed conflict.

14. Decisions on sanctions must not create situations in which fundamental human rights not subject to suspension even in an emergency situation would be violated, above all the right to life, the right to freedom from hunger, the right to prevent and cure epidemic and other diseases and combat them, and the right to create conditions which would ensure medical services for all and care in the event of illness.

15. The adoption of decisions and the implementation of sanctions should not create situations which would cause unnecessary suffering to the civilian population, especially its most vulnerable sectors. Sanctions regimes must correspond to the provisions of international humanitarian law, including international human rights norms.

16. Sanctions may not be open-ended and should be subject to periodic adjustment, taking into account the humanitarian situation and depending on the

fulfilment by the target State of the requirements of the Security Council. Time limits must be established for sanctions regimes; such time limits may be extended only on the decision of the Security Council.

17. The temporary suspension of sanctions is desirable in emergency situations and cases of force majeure (natural disasters, threat of famine, mass disturbances resulting in the disorganization of the country's Government) in order to prevent a humanitarian disaster.

18. Impermissibility of additional measures likely to cause a serious deterioration in the situation of the civilian population and breakdown of the infrastructure of the target State.

19. Ensuring unimpeded and non-discriminatory access of the population of target countries to humanitarian assistance.

20. Consideration of the views of international humanitarian organizations whose mandates have been generally recognized in drawing up and implementing sanctions regimes. Exclusion of international humanitarian organizations from the effect of sanctions limitations with a view to facilitating their work in countries which are the object of sanctions.

21. Utmost simplification of the regime established for delivery of humanitarian supplies required for the sustenance of the population, and exclusion of medical supplies and staple food items from the scope of the sanctions regime. Basic or standard medical and agricultural equipment, basic or standard educational items, and basic items for hygiene, sewage and sanitation equipment, emergency vehicles and other vehicles, along with fuel and lubricants, should also be exempted.

22. Strict observance of the principles of neutrality, independence, transparency, impartiality and the impermissibility of any form of discrimination in the provision of humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the population. A condition of providing such assistance should be the prior clearly expressed consent of the recipient State or a request on its part.

23. All information on the humanitarian consequences of the introduction and implementation of sanctions, including those which have a bearing on the basic living conditions of the civilian population of the target State and on its socio-economic development, must be objective and must be as transparent as possible, and must be considered by the Security Council and its sanctions committees, with a view to the modification of the sanctions regime and, ultimately, to the full or partial lifting of the sanctions.

24. The target State should exert all possible efforts to facilitate the equitable and unimpeded distribution of humanitarian assistance. Armed convoys may not be used to distribute humanitarian assistance, unless there is a decision to that effect by the Security Council.

25. It is of paramount importance, in introducing and implementing sanctions, to observe the humanitarian limits of sanctions to ensure that they will contribute to the maintenance of international peace and security and that they will be legitimate from the standpoint of the Charter of the United Nations and the rules of international law and justice.

II. *Declares* that nothing in the present Declaration shall be construed as prejudicing in any manner the provisions of the Charter, including those contained in Article 2, paragraph 7 thereof, the rights and duties of States, or the scope of the functions and the powers of United Nations organs under the Charter, in particular those relating to the maintenance of international peace and security.